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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,768	09/17/2001	Heinz Focke	FOCKE16	8538

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EXAMINER

NGUYEN, TU T

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,768

Applicant(s)

FOCKE ET AL.

Examiner

Tu T Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Office Action

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification must describe how the inspection means scans the blank from an essentially frontal aspect.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claims 1,5, The specification does not disclose how the inspection means scans the blank from an essentially frontal aspect.

With respect to claims 2-4,6-12, the claims are rejected as being depended on the rejected claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1,5,10-12, the phrases "such as", "in particular" render the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

With respect to claim 4, the term "the width as well as the position of a band strip are evaluated with respect to its centered position relative to the pack and/or to any skewed position" is not clear. It is not clear how the width of the band strip can be evaluated respect to any skewed position?

With respect to claims 2-3, 12, the term "and/or" is indefinite.

With respect to claim 1, lines 4-5, the term "with the positioning being identified on the basis of border edges of the blank" is not clear. It is not clear what object (The blank or the packs or the label) is identified.

With respect to claim 1, lines 6-7, the term "the inspection means scans the blank from

an essentially frontal aspect” is not clear. It does not clear how the inspection means scan the blank. The specification does not disclose how the inspection means scans the blank.

With respect to claim 11, the term “a further evaluation window” is not clear. What does applicant mean “a further evaluation window”? Further compare to what window?

With respect to claim 12, it is not clear the location of the faulty pack conveyor. Is it located at the drying turret or the cigarette packer?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al (4,972,494).

With respect to claim 1, White discloses a method for inspecting the stamp of a cigarette pack (column 15, lines 25-30). The method comprises steps: moving the object 18 (fig 1) past an inspection means 12 (fig 1), illuminating by one or more illumination means 186, 188 (fig 4), identifying the border or the blank 305, 306 (fig 6).

White does not explicitly disclose illuminating at border edges. Since White teaches

illuminating the package to permit each surface of the package to be clearly inspected (column 10, lines 39-45) and also teaches detecting the edges of the stamp (column 14, lines 34-50), it would have been obvious that White's illumination means also illuminates the edge of the stamp or blank.

With respect to claims 2,8,9, White discloses a trigger signal for turn on/off the light source and the camera (column 3, lines 29-35).

With respect to claim 3, White discloses a plurality of windows (fig 6) (column 14, lines 25-50) for the inspection means. White does not explicitly disclose evaluating for differences between the brightness in order to detect the border edges. Using the differences between the brightness in order to detect the border edges would have been known. It would have been obvious to modify White with the known method for detecting the border edges to make the system more accurate.

With respect to claim 4, White does not disclose evaluating the width of the band strip with respect to its centered position. Since White discloses detecting the band strip (fig 6). It would have been obvious a design choice to modify White for evaluating the width of the strip in order to detect the irregular band strip. The modification involves only routine skill in the art.

With respect to claim 5, refer to discussion in claim 1 above.

With respect to claim 6, White does not disclose the angle range as disclosed in claim 6. However, White discloses locating the cameras and the light sources in different angles for different package types or color (column 14, lines 9-15). It would have been obvious to position the cameras and the light sources with different angle ranges to test different object.

With respect to claim 7, the claimed white-light diodes would have been well known in the art. It would have been obvious to use the well known white-light diode to reduce the system cost.

With respect to claim 10, refer to discussion in claim 3 for plurality evaluation windows and refer to claim 3 for evaluating differences in brightness.

With respect to claim 11, White discloses at least two windows are directed at the border edges of the blank 305, 306 (fig 6) and a window 14 (fig 14) for receiving the object 380 (fig 14).

With respect to claim 12, using a faulty pack conveyor to convey a faulty object would have been known. It would have been obvious to modify White with the known faulty pack conveyor to separate the faulty pack. The modification involves only routine skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on M-T 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Tu Tuan Nguyen

Patent Examiner TC 2877

12/14/02